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# Proposals for Improving Hanford's Federal Facility Agreement and Consent Order

U.S. Department of Energy • U.S. Environmental Protection Agency • Washington State Department of Ecology

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## Background

During this past spring and summer, management from the U.S. Department of Energy (USDOE), the U.S. Environmental Protection Agency (EPA) and the Washington State Department of Ecology (Ecology) met on several occasions to examine methods of improving the ways of doing business at the Hanford Site. A number of commitments were made to make the framework of the Tri-Party Agreement more efficient and cost effective.

Three major changes are proposed to the Agreement. These changes are expected to streamline actions under the Tri-Party Agreement. Authority and control on individual cleanup actions is delegated to the personnel who are most responsible for performing the work. Decisions will be made at lower levels and in less time. Another major change is the adoption of a single regulator concept. One regulatory agency will generally be involved in the day-to-day oversight and decision making on individual cleanup activities. Additional changes also streamline the dispute resolution and decision-making process.

## Single regulator approach

Currently under the Tri-Party Agreement a Lead Regulatory Agency (either EPA or Ecology) is assigned the primary oversight and decision authority for a particular operable unit (OU), treatment, storage and disposal unit (TSD) or milestone. The other regulatory agency is assigned the role of Support Agency. In practice the agency acting in the support role has invested significant effort in the oversight of individual units. The proposed changes to the Tri-Party Agreement would eliminate the Support Agency role in day-to-day oversight activities.

Decision-making power would be given to the Lead Regulatory Agency. Only the lead agency would assign staff members to oversee a project or activity. Each regulatory agency would retain its authority but, in general will rely on the work/recommendations of the Lead Regulatory Agency. The Lead Regulatory Agency may request support from the non-lead agency if necessary. These changes are expected to result in more efficient regulatory oversight.

## Management structure changes

Further efficiencies are being sought with changes to the management/authority structure specified within the Tri-Party Agreement. These changes take advantage of the best management practice of driving decisions and responsibility as near to the working level as possible. The revised Tri-Party Agreement management structure seeks alignment with the USDOE's ongoing project-oriented operations at the Hanford Site. These changes do not constrain the regulatory agencies' authority in any way.

One of the most visible changes is the elimination of the single Tri-Party Agreement Project Manager position for each of the three Agencies. Day-to-day project management responsibilities will be assigned to the current Unit Manager positions, which are now referred to as Project Managers. Authority for approval of changes to target milestones and supporting schedules will be at this level.

The balance of the current Project Managers' authorities will be reassigned to the agencies' executive managers. They will form the Inter-Agency Management Integration Team (IAMIT). This team of high level managers will focus on making decisions, resolving disputes and

striving for efficient progress. Authority to approve changes to interim milestones and operable unit priorities will reside here. The IAMIT replaces the Dispute Resolution Committee in resolving disputes under the Tri-Party Agreement. The current Senior Executive Committee (SEC) will remain but will be staffed by management with a closer working knowledge of Hanford issues and actions.

Authority for approval of major milestones and changes to the Agreement remains with the head manager of each of the three agencies. A TPA Administrator will be designated by USDOE for those administrative duties not associated with a specific milestone or activity.

## Changes in the dispute resolution process

Dispute resolution provisions of the Tri-Party Agreement are also being proposed for modification to attempt to arrive at quicker, more efficient decisions at more appropriate levels. Under the proposed changes the issue would first be worked at the Project Manager (formerly Unit Manager) level with Line Staff management involvement as necessary. Should the issue remain unresolved at this first "informal" level it will be referred to the IAMIT. This elevation of issues to higher, though still organizationally responsible, management is expected to result in fewer "formal" disputes. Issues that are elevated to higher management are expected to have quicker resolution. Should resolution fail to be reached at the IAMIT the dispute would proceed directly to the SEC.

Additional changes have been proposed to update the Tri-Party Agreement to reflect the status of the state's authority to carry out its Hazardous Waste Management Act at Hanford. Other proposed changes simplify the use of the document. For example, all provisions regarding how a change is made under the Tri-Party Agreement have now been consolidated at a single location in the Action Plan. Provisions which have been rendered obsolete by passage of time or by changes of condition have been deleted or modified. Changes have also been made to make the Agreement consistent with the practices the parties have found to be most efficient to meet the intent of the Agreement. The agencies plan on implementing the major changes to the Agreement immediately. The final amendments and any changes made on an interim basis will reflect public input received during the comment period.

## Public comment period

A 45-day public comment period regarding these proposals will begin on November 1 and end on December 15, 1995. Copies of these proposals are available at the Information Repositories listed below.

### Portland

Portland State University  
Branford Price Millar Library  
Science & Engineering Floor  
SW Harrison and Park  
(503) 725-3690

### Seattle

University of Washington  
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Gonzaga University  
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**If you would like more information, call  
toll-free: 1-800-321-2008**

**To submit your comments please mail them to:**

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